G. R. S. IX-5]

Previous references.

File No. 20-22

Serial Nos. 1 to 4

1922

(CB)

Later references.

CB 29-23

CB 29-23

P

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 4

Part B for August 1922

SUBJECT.

Bills for Rs 5-50/- forwarded, for sanction, by the Govt. Advocate, for professional services rendered on behalf of Govt. in certain quasi-judl. proceedings.

G.O. No. 910-11 of 25/8/22

To
The Comptr. (with bills)
The Govt. Advocate.

Sanction to bills & forward them to the Comptr. for audit & payment.

WD 1888—GPB—16,826—23-7-21

Abdulla Hussain Clerk
28/8/22

G. R. S. III-2]

General and Revenue Secretariat.

C. B File No. 20 of 1922. 151

Serial No.	
1	From The Govt Advocate, no 35 & 12.7.22 Forwards for sanction, 3 bills amounting to Rs 550, for professional services rendered on behalf of Govt in the quasi-judicial Proceedings instituted and conducted against the Editors of the 'Truth', 'Mysore Patriot & Sampadabhyudaya' and the 'Hilal'. 1) Submitted for orders. A copy of the rule re remuneration of Legal Practitioners is also put up. Mst km 19.7.22. 2) On what basis has these bills been prepared so as to aggregate to Rs 550. Draft 19/7/22 3) Draft submitted. Mst km 20.7.22. dsg 19/7 Done dsg 20/7
2	To The Government Advocate in Mysore No. 382./C.B. dy 21.7.1922. With reference to the above, enquires on what basis those bills have been prepared so as to aggregate to Rs. 550/-. Sws.
3	From The Same Officer, no 55 & 24.7.22 States that the bills have been prepared with due regard to the amount of work that had to be done and the trouble taken in all 3 cases and that what he has claimed is very much less than his usual remuneration in the case of private parties

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

C.B File No. 20 of 1922

Serial No.

1/ Chief Secretary's order :-

"Let me see this" (letter no 382 & 21.7.22)
(sd) J.C.M.

2/ Submitted for orders.
25.7.22.

Merits may be passed by
25/7

DEWAN'S OFFICE.
Recd. on JUL 28 1922
Reg. No. 726

Dewan

3/ Is there extra scale fixed for such cases? Is there Govt order? I suppose the Clause in rules 76. But there is no inf. in the letter of Dy. Phe and &c

27.7

4/ 28/7

5/ Dy Sec & Jud
(with Compliments)

6/ Are there any provisions regulating such quasi-judicial proceedings & proceedings in Camera? So far as Dewan there appear to be none. Please put up the order, which authorised the holding of such a quasi-judicial enquiry in the case of Sastri.

Cary
5/8

7/ To the Cashier for kindly passing up the order referred to

28/8

NOTE—Contn. sheet.

5/8/22

(3)

G. R. S. III-2]

General and Revenue Secretariat. | C. B File No. 120 of 1922.

Serial No.

1

Subd with a copy of G.O. no Camp J. 26-76 - Legis 31-12-18 & 22-4-18 re holding of quasi-judicial enquiry.

APS 9/8

The order authorising Quasi-Judicial enquiry under the Newspaper Regulation, was passed in 1918. (Flag T) It does not, however, prescribe any Scale of fees. Rules in force (Flag H) regarding the duties & Scales of fees of Govt. Advocates & Public Prosecutors, confine themselves to cases of purely Civil & Criminal nature. A quasi-Judicial enquiry falls under neither Category, though it appears to lean towards the Criminal.

In the absence of a definite provision, the case has to be decided on analogy, which is found in Secs 7(3) & 7(5) of flag H.

Under 7(3), the Govt Advocate can claim only Rs 5/- for the first day, when the cases were adjourned, and at the rate of Rs 25/- per day, for the other three days during which he is said to have worked. This will mean Rs 80/- in all.

NOTE—Contn. sheet.

G. R. S. III-2,

General and Revenue Secretariat. | C. D. File No. 20 of 1922

Serial No.

1) Under 7 (5), the minimum fee per day would be Rs 10/- & for 4 days Rs 40/- only.

I may, however, add that this only an account of technical defect that the Govt Advocate can claim any fee at all. Under 3 (b) of Flag H, it is the duty of the Govt Advocate to represent Govt before the Chief Court in all Criminal cases. But for the word 'Criminal' these bills would not have been presented.

The Govt advocate expressly refers to the amount of preliminary work & study involved in the cases. Under 3 (a) of Flag H, it is his duty to advise Govt in all legal matters, not alone Civil & Criminal cases & for such work he cannot claim any fee (vide 7 (1). flag H.). It was after all this was done, that he puts in an appearance before the Chief Judge. This appearance alone is strictly to be paid for & there does not appear to be much reason to pay more than Rs 25 from for such appearance

NOTE—Contn. sheet.

G. R. S. III-2,

General and Revenue Secretariat. | C. B. File No. 20 of 1922.

Serial No.

if he is not entitled to claim anything for the more arduous task of study and preparation.

2) Further, much of the work was done in the Secretariat itself. So far as the 'Hilal' case goes, two years' issues were carefully gone through, objectionable articles were selected & translated in the Secretariat itself, for the benefit of the Govt Advocate. In the case of another paper also perhaps, the Confidential branch, did as much.

For these reasons, the amount to which the Govt Advocate is strictly entitled, appears to be Rs 80/- if the analogy of 7(3) is applied, or only Rs 40/- under 7(5) & flag 14. Rules on the reference to Dewan's Dept

Chief Secy

2) Board with regard to the Dewan's order 178 of 1.8.22. The existing rules do not provide for such cases. In these 2 cases, the preliminary work was considerable & special rate is not unjustifiable

Dewan

Chief Secy

Govt

DEWAN'S OFFICE.
Recd. on AUG 14 1922
No. 1051

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

C.B File No. 20 of 1922 325

Serial No. 11964/20.0.22

Second Amendment

18/8/22

Don
18/8

It is not right to say that proceedings under this Law are of a quasi criminal nature. The proceedings are to be dealt with in this manner and may be held jointly under this Act cannot be treated as ordinary criminals. These cases are of special importance to this state and they are of a special nature to be dealt with in accordance with the special nature of the offences and the Regulations which do not provide the necessary for such cases which has to be evolved for the occasion. A part of the law for a case of this kind is not made.

The specific reference to the case is contained in the Act part of the nature of the work done by the/with Amendment in this case, the Law part of the case has been considered in the Act and shall not interfere with the Law part.

NOTE—Contn. sheet.

20/8

G. R. S. III-2,

General and Revenue Secretariat.

C. B. File No. 20 of 19 22

325

DEWAN'S OFFICE.
Rec'd on AUG 21 1922
No. 238

Serial No.	
	Dewan 21/8/22
	Misplaced 21/8/22
	Draft G.O. is submitted for approval. 23.8.22.
4	To The Comptroller to Govt. & Government Advocate No. 910-11/CB dt. 24.8.1922 Sanctions the bill, amounting to Rs 550/- for professional services rendered by the Govt. Advocate on behalf of Govt. in the quasi-judicial proceedings instituted and conducted against certain Editors &c.

B.

NOTE—Contn. sheet.

WD 978—GPB—500—22-11-21

No. 35 / Enc. 3 Bills 8128

OFFICE OF THE GOVERNMENT ADVOCATE IN MYSORE,
Dated Bangalore.....12th July 1922.

CB.20-22-1.

FROM

The Government Advocate in Mysore,
BANGALORE.

CB-151.

To

The Chief Secretary to the Govt. of
H. H. the Maharaja of Mysore, Bangalore.

SIR

I have the honor to forward herewith, for the sanction of Government, my Bills, (three) for professional services rendered on behalf of Government in the Quasi-Judicial proceedings, instituted and conducted against the Editors of the "Mysore Patriot" and "Sampadabhyudaya", the "Hilal" and the "Truth". The Bills have been duly countersigned by the Chief Judge of the Chief Court of Mysore, before whom the Proceedings were

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

*Diary No. of letter replied to*_____

General and Revenue Secretariat

( )

, the *191* .

Date of issue 21/7/22

Signed by [illegible]

Section C.S.

File No. 23-22

Serial No. 2

No. 38

To

The Govt Advocate, Bangalore.

Sir,

With reference to your letter no 35 dated the 12th July 1922 forwarding for sanction of Govt 3 bills ~~aggregating to Rs. 550~~ for professional services rendered on behalf of Govt in the quasi-judicial Proceedings instituted and conducted against the Editors & Publishers of certain newspapers, I am directed to enquire on what basis these bills have been prepared so as to aggregate to Rs 550.

I have etc.

for Chief Secretary.

C.B. 20-22-3.

WD 978—GPB—500—22-11-21

No. 573 62329

CB. 325

OFFICE OF THE GOVERNMENT ADVOCATE IN MYSORE
Dated Bangalore..24.th..July..1922.....192-

C B 25 JUL 1922

FROM K. SHANKARANARAYANA RAO, Esq., M.A., B.L.,
The Government Advocate in Mysore,
BANGALORE.

To

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
BANGALORE.

SIR,

With reference to your letter No. 382/C. B., 20-22-2, dated the 21st July 1922, I have the honor to state that the bills in question have been prepared having due regard to the amount of work that had to be done and the trouble taken in the cases referred to therein.

In all these cases, a very large number of the issues of the newspapers had to be scrutinized for the purpose of selecting the objectionable articles and passages, involving heavy work for several days. And in each case I had to meet the Chief Secretary and discuss the matters with him on several occasions before preparing the applications.

As for the work that I had to do before the Chief Judge, after filing the applications, there was a preliminary hearing in each case at which the opponent took time for filing his objections and the nature of the prodedure to be adopted was discussed. After objections and statements were filed, each matter was argued separately at great length. In fact, each case occupied a whole day.

As the articles in the "HILAL" case were somewhat shorter and the amount of time taken to go through the issues was less I have charged Rs. 50/- less than in the other two cases.

I

I may be permitted to add that as the Chief Judge wanted the cases to be filed early to enable him to complete the enquiry before the Chief Court closed for the mid-summer vacation, I had to work under high pressure, working till very late at nights for several days.

The Bills have been prepared in view of all the above facts and I may add that what I have claimed is very much less than my usual remuneration in the case of private parties.

I have the honor to be,
Sir,
Your most obedient servant,

Government Advocate.

G.R.S. VI–71]

SUBJECT.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, *the* 191 .

Date of issue 25/5/22

Signed by G. B. R

May this be

i Printed ?

ii treated as a standing order ?

ii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada Part ?

Section C. B.

File No. 20–22

Serial No. 4

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Correspondence ending with letter no 55 dt 24.7.22 from the Govt Advocate in Mysore submitting for sanction of Govt three bills aggregating ~~Rs~~ Rs 550 for professional services rendered on behalf of Govt in the Quasi-judicial Proceedings instituted and conducted against the Editors & Publishers of the 'Truth', the 'Mysore Patriot' and the 'Sampadabhyudaya' and the 'Hilal' & stating that the bills have been duly countersigned by the Chief Judge of the Chief Court of Mysore, before whom the Proceedings were instituted and conducted -

~~Order Thereon No~~

Order - No: 910-11 CB

The three bills amounting to

Rs 950 are sanctioned and forwarded to the Comptroller for audit and payment.

Chief Secretary

To. The Comptroller with the files
The Govt Advocate.

23.8.

List of enclosures.

Copied by

Examined by

WD 1744—GPB—30,000—17-8-19